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**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

# Combating defamation of religions

## Report of the Secretary-General**

*Summary*

The present report is submitted in accordance with General Assembly resolution 60/150. The report provides an overview of reports relevant to the issue of defamation of religions, and promotion of tolerance for all religions and their value systems by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on freedom of religion or belief and the United Nations High Commissioner for Human Rights.

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** The present report was submitted after the deadline owing to consultations.

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# Contents


| | | Paragraphs | Page |
|---|---|---|---|
| I. | Introduction | 1–4 | 3 |
| II. | Overview of the reports submitted by the Special Rapporteurs | 5–7 | 3 |
| III. | Overview of the report of the United Nations High Commissioner for Human Rights | 8–17 | 4 |
| | A. General overview | 9–12 | 4 |
| | B. The promotion and protection of cultural diversity | 13–15 | 5 |
| | C. The role of education | 16–17 | 5 |
| IV. | Conclusion | 18 | 6 |

# I. Introduction

1. In its resolution 60/150 of 16 December 2005, entitled "Combating defamation of religions," the General Assembly requested the Secretary-General to submit a report on the implementation of that resolution to the Assembly at its sixty-first session.

2. In reply to this request, the present report refers to the contents of reports relevant to the theme of defamation of religions and the promotion of tolerance for all religions and their value systems by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on freedom of religion or belief and the United Nations High Commissioner for Human Rights.

3. The reports referred to were submitted to the Commission on Human Rights at its sixty-second session and are now before the Human Rights Council (which has assumed the functions of the Commission following the adoption of General Assembly resolution 60/251 of 15 March 2006) and may be examined by the Council at its second session (18 September to 6 October 2006).

4. Considering that several reports relevant to the theme of defamation of religions will be placed before the Human Rights Council for review, the present report provides an overview of the contents of the reports already submitted and on which the Council could issue decisions or submit resolutions to the General Assembly.

# II. Overview of the reports submitted by the Special Rapporteurs

5. The report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance entitled "Situation of Muslims and Arab peoples in various parts of the world" (E/CN.4/2006/17) was submitted pursuant to Commission on Human Rights resolution 2005/3. The resolution requested the Special Rapporteur to examine the situation of Muslims and Arab peoples in various parts of the world, the discrimination faced by them with regard to access to justice, political participation, respect for cultures, physical assaults and attacks against their places of worship, cultural centres, businesses and properties in the aftermath of the events of 11 September 2001 and also to report on his findings to the Commission at its sixty-second session, and make recommendations to improve the situation.

6. The report of the Special Rapporteur on freedom of religion or belief (E/CN.4/2006/5 and Add.1-4) was submitted pursuant to resolution 2005/40 of the Commission on Human Rights. The Special Rapporteur has been monitoring and encouraging compliance with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief since the creation of the mandate in 1986. The report submitted to the Commission sets out the activities that have been carried out under the mandate since the submission of the last report to the Commission.

7. In addition, by its decision 1/107 of 29 June 2006, the Human Rights Council requested Asma Jahangir, the Special Rapporteur on freedom of religion or belief,

and Doudou Diène, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, as well as the High Commissioner to report to its next session on the "increasing trend of defamation of religions, incitement to racial and religious hatred and its recent manifestations ... in particular its implications for article 20, paragraph 2, of the International Covenant on Civil and Political Rights". The report of the Special Rapporteurs and that of the High Commissioner will be submitted to the Human Rights Council at its second session.

# III. Overview of the report of the United Nations High Commissioner for Human Rights

8. The report of the High Commissioner entitled "Combating defamation of religions" (E/CN.4/2006/12) focuses on activities undertaken by States, the Office of the High Commissioner, human rights mechanisms and the United Nations system that aim at promoting dialogue among civilizations and religious tolerance.

## A. General overview

9. The Office of the High Commissioner received replies from 13 Member States to a note verbale dated 9 May 2005, inviting the latter to forward their contributions for the report of the High Commissioner on actions undertaken and measures adopted aimed at countering religious intolerance and supporting and promoting a culture of peace and tolerance based on respect for human rights and religious diversity.

10. The Office of the High Commissioner continues to pursue efforts to develop relations with the Organization of the Islamic Conference (OIC) and the Islamic Scientific, Educational and Cultural Organization (ISESCO). In this respect, the High Commissioner signed a memorandum of understanding with ISESCO in November 2005. This memorandum of understanding sets out a framework for cooperation in various areas, including the field of human rights education, the exchange and dissemination of human rights information and the joint organization of conferences and training courses. The Office of the High Commissioner is also in the process of concluding a wider memorandum of understanding with OIC regarding a comprehensive approach to collaboration between the two organizations.

11. Regarding the letters received by the Office of the High Commissioner in which concerns were expressed about the 30 September 2005 cultural edition of the *Jyllands Posten*, a Danish newspaper, the High Commissioner expressed the view that there was a need to explore ways and means to adequately address the issue of religious intolerance by striking the right balance between freedom of expression and freedom of religion.

12. The report of the High Commissioner outlines numerous activities, including the organization by the Committee for the Elimination of Racial Discrimination of two complementary events: a thematic discussion on the prevention of genocide held on 28 February 2005, and a general debate on multiculturalism on 8 March 2005.

## B. The promotion and protection of cultural diversity

13. The Secretary-General in July 2005, announced the launch of an "Alliance of Civilizations" initiative, intended to respond to the need for a committed effort by the international community — both at the institutional and civil society levels — to bridge the gaps between Islamic and Western societies and overcome prejudices, misconceptions and polarization.

14. On 16 November 2005, the United Nations marked the annual International Day for Tolerance with a call for cultures to learn about each other. In a message marking the day, the Secretary-General stressed the importance of individual initiative in building a culture of tolerance, in addition to increased legal protection and education.

15. The promotion of dialogue in the service of peace is one of the main concerns of the United Nations Educational, Scientific and Cultural Organization (UNESCO). As such, many activities currently pursued within the regular programme of UNESCO respond in concrete terms to the exigencies of instilling and sustaining a concrete dialogue among peoples. On 20 October 2005, the General Conference of UNESCO adopted the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, an international normative instrument that will enter into force three months after its ratification by 30 States. The Convention seeks to reaffirm the links between culture, development and dialogue and to create an innovative platform for international cultural cooperation.

## C. The role of education

16. Human rights education, as defined in international instruments, aims at sharing knowledge and developing skills and attitudes towards building a universal culture of human rights. Accordingly, it contributes to fostering respect for and appreciation of differences, as well as of opposition to discrimination, on the basis of several grounds, including religion. To boost related efforts in all sectors, in December 2004 the General Assembly proclaimed the World Programme for Human Rights Education. Its first phase (2005-2007) is specifically dedicated to the integration of human rights education into the primary and secondary school systems, and a related Plan of Action was adopted by United Nations Member States in July 2005. The Plan of Action focuses on action to be undertaken at the national level in terms of planning, implementing and evaluating human rights education in the national school systems. Information on activities by the Office of the High Commissioner for Human Rights in support of those efforts is provided in the High Commissioner's report (E/CN.4/2006/90) on the World Programme.

17. The report of the regional seminar for South and South-East Asia on "Combating racism, racial discrimination, xenophobia and related intolerance: role of education", held in Bangkok from 19 to 21 September 2005 (E/CN.4/2006/22), discussed issues related to the contribution of education as a tool for advocating respect and inclusion through a multicultural approach in contents of school curricula and materials.

## IV. Conclusion

18. **The steps taken as summarized above are indicative of a will on the part of Member States, the United Nations system and the wider international community to counter religious intolerance. Continuous reporting on allegations of incidents involving intolerance and discrimination on the grounds of religion or belief indicate that much more needs to be done.**

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**The situation in Afghanistan**

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# The situation in Afghanistan and its implications for peace and security

## Report of the Secretary-General

## I. Introduction

1. The present report is submitted pursuant to General Assembly resolutions 60/32 A and B of 30 November 2005, and to Security Council resolution 1662 (2006) of 23 March 2006, in which the Council decided to extend the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) until 23 March 2007. The present report reviews the activities of UNAMA since my previous report, dated 7 March 2006 (A/60/712-S/2006/145). During the reporting period, the Security Council received oral briefings on 14 March 2006 (see S/PV.5385), and 26 July 2006 (see S/PV.5496).

## II. Current security situation

2. Since my previous report (A/60/712-S/2006/145), the most significant development in Afghanistan has been the upsurge in violence, particularly in the south, south-east and east of the country. Security has, once again, become the paramount concern of a majority of Afghans. It is estimated that over 2,000 people, at least one third of them civilians, have lost their lives in the fighting since the start of 2006. This represents a three- to four-fold increase in the rate of casualties compared to 2005. The number of security incidents involving anti-Government elements has increased from fewer than 300 per month at the end of March 2006 to close to 500 per month subsequently.

3. The growing number of casualties in the south can be attributed both to a rise in anti-Government attacks and to a corresponding increase in offensive military operations being conducted by the Afghan National Army and its international

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partners (see "Afghan security forces" and "International Security Assistance Forces" below). In the south-east, where major military operations are only just getting under way, insurgent activity has been conducted largely unchecked. Suicide attacks continue to be a highly emotive issue and are widely reported in the international media. The phenomenon is now well established in Afghanistan. The number of suicide attacks already stood in mid-August at 65, against 17 such incidents during all of 2005.

4. While previous reporting periods have been marked by progressive and significant deteriorations in the security situation, the recent upsurge of violence represents a watershed. At no time since the fall of the Taliban in late 2001 has the threat to Afghanistan's transition been so severe. In recognition of the gravity of the situation, President Hamid Karzai convened Afghan security forces, their international counterparts, some representatives from Member States with a significant troop presence in the south and UNAMA to produce a shared assessment of the sources of instability. A high degree of consensus emerged from these consultations regarding the nature of the conflict. In addition to a quantitative spike in their activities, a qualitative shift was detected in the operations and coordination of the insurgent forces' intent on overthrowing the Government through violent means.

5. The insurgency is being conducted mostly by Afghans operating inside Afghanistan's borders. However, its leadership appears to rely on support and sanctuary from outside the country. The insurgency's current centre of gravity falls in and around the provinces of Kandahar, Helmand, Uruzgan and increasingly, Farah. Anti-Government operations nevertheless continue in many parts of the east and south-east and have become an acute concern in Wardak and Logar provinces, close to the capital. The insurgency now covers a broad arc of mostly Pashtun-dominated territory, extending from Kunar province in the east to Farah province in the west; it also increasingly affects the southern fringe of the central highlands, in Ghor and Day Kundi provinces.

6. Five distinct leadership centres of the insurgency can be identified. They appear to act in loose coordination with each other and a number benefit from financial and operational links with drug trafficking networks. They include: the wing of the Hezb-i-Islami party led by Gulbuddin Hekmatyar, in Kunar province and neighbouring areas; the Taliban northern command, for Nangarhar and Laghman provinces; networks led by Jalaluddin Haqqani, a former minister in the Taliban regime, mainly for Khost and Paktya provinces; the Wana Shura, for Paktika; and the Taliban southern command, for the provinces of Zabul, Kandahar, Hilmand, and Uruzgan. The Taliban southern command has recently begun to establish parallel civil administrations and courts in its area of operations, although they remain marginal in most districts. Leadership and support structures for the insurgency straddle the southern border of Afghanistan.

7. The leadership centres form the hard core of the insurgency and are widely considered not to be open to reconciliation. The "strengthening peace" programme, a national initiative to reintegrate Taliban and other insurgent combatants, has had successes with mid-level Taliban commanders but has not focused on attracting senior commanders.

8. The leadership relies heavily on cross-border fighters, many of whom are Afghans drawn from nearby refugee camps and radical seminaries in Pakistan. The

fighters are typically indoctrinated, unemployed young men whose sense of identity has been blurred by years in exile. They are trained and paid to serve as medium-level commanders, leading operations inside Afghanistan, and they are able to retreat back to safe havens outside the country.

9. The foot soldiers of the insurgency are Afghans recruited within Afghanistan; they are driven by poverty, poor education and general disenchantment with their place in society. These internal fighters are not ideologically driven, but their ranks have expanded to support the growing upper echelons of the insurgency. They are thought to be ready to disengage from the insurgency if the appropriate incentives, particularly economic, are provided.

10. Dialogue with elders, clerics and other community leaders in areas affected by the insurgency has revealed a consistent set of grievances that, if properly addressed, these leaders believe could significantly weaken support for the insurgency. Government corruption at the provincial and district levels, particularly within the police and the judiciary, has alienated local populations as have unfulfilled expectations of development following the fall of the Taliban regime. Imbalances in the distribution of power between different Pashtun tribes at the provincial level have also contributed to a sense of marginalization felt by entire tribes. Finally, conservative elements of the population — a clear majority in rural areas — often view the Government's social policies as insufficiently protective of, or even harmful to, traditional religious, tribal and cultural norms.

11. The trend towards instability has not been restricted to areas affected by the insurgency. A sense of volatility has also gripped Kabul over the past three months, triggered by the violent riots that broke out in the capital on 29 May following a tragic traffic incident involving the United States-led coalition forces in the northern districts of the city. At least 25 people died on that day, and several properties were looted or burned, including four United Nations guesthouses and several compounds belonging to aid organizations.

12. Factional fighting between former commanders continues to pose a threat to security in some provinces such as Faryab, which was rocked by violent clashes between the Hizb-e-Azadi (Azadi) and National Islamic Movement of Afghanistan (Junbesh) factions. On 30 July, a confrontation between armed groups linked to both parties resulted in the death of four Azadi members and the injury of three others. Fighting continued until 9 August, reportedly killing another Azadi member and three Junbesh members. Serious human rights abuses were also reported, including numerous rapes.

# III. Political developments

## A. National Assembly

13. The National Assembly or Parliament, composed of the Wolesi Jirga (Lower House) and the Mesharano Jirga (Upper House), has been functioning effectively since my last report. The end of the first session of the National Assembly and the start of the second were largely dedicated to reviewing internal rules of procedure, defining the membership of standing committees and discussing issues of immediate

concern including national security, reviewing the national budget and conducting hearings for high-level appointments.

14. In accordance with the Constitution, the national budget was officially submitted to the Wolesi Jirga on 28 February. After a lengthy debate, the Wolesi Jirga made recommendations for amendments, most notably suggesting an increase in civil servants' salaries and in pensions for vulnerable categories of the population. Members of the National Assembly protested at not being able to discuss the donor-funded development budget, which is largely under the direct control of donors and accounts for the bulk of the total budget.

15. The Wolesi Jirga also made its mark during confirmation hearings for the Cabinet and the Supreme Court. On 22 March, President Karzai presented his list of 25 proposed Cabinet ministers to the Lower House, with a few major changes, including the candidate for Foreign Minister. Of the 25 proposed ministers, five were rejected by wide margins. Once the National Assembly reconvened after the summer recess, it confirmed five new nominees, including one woman and one minister who had previously been rejected by the National Assembly for another portfolio. The ethnic balance in the new cabinet continues to reflect the ethnic composition of the country.

16. The confirmation process for the Supreme Court began on 15 May 2006 when the Wolesi Jirga considered candidates for the nine-member Court. The Wolesi Jirga held long debates on whether some of the nominees, including Chief Justice Fazel Hadi Shinwari, met the higher education requirement and whether some nominees should be excluded for holding dual citizenship. Many saw the citizenship debate as an attempt to exclude more liberal-minded, western-educated judges. By the end of July, eight of the nine judges had been confirmed, including a new Chief Justice, Abdul Salam Azimi. On 17 August, the candidates for the head of the National Directorate for Security, the Attorney General and the head of the Afghan Red Crescent Society (a woman) were all endorsed by the National Assembly, leaving only two positions unconfirmed: the head of the central bank and the ninth member of the Supreme Court.

17. Despite its achievements, the nascent Afghan National Assembly also revealed worrying trends in its first few months. Several members have failed to break their links with illegal armed groups and criminal networks, and reports of corruption are rife. In addition, traditional power brokers and former commanders have repeatedly threatened and intimidated elected representatives. In one particularly serious case, an Uzbek member of parliament was forced to leave the country temporarily after being severely beaten.

## B. Provincial government

18. Strong provincial government leadership, starting with the Governor, remains one of the most important factors in achieving progress in the fields of security, development and service delivery at the provincial level. Recent appointments of highly qualified officials in some provinces have led to notable improvements in those areas.

19. Provincial councils continue to function to varying degrees in all 34 provinces. The inexperience of members in discharging their roles, the ambiguity of their role

vis-à-vis the executive and the lack of supporting infrastructure has presented challenges to their operations. As a result, relations between the provincial executive and the councils have been uneven. Moreover, provincial development committees have been established in almost all provinces. These new structures will help to bring focus and rigor to priority-setting and planning at the provincial level.

20. In an attempt to address the weaknesses of the provincial councils, the Wolesi Jirga approved amendments to the Provincial Council Law that strengthen their monitoring responsibilities. The amended law has yet to be signed by the President.

21. The United Nations Assistance Mission in Afghanistan, in coordination with other international agencies, has been actively providing technical assistance to provincial council and provincial development committee members and provincial governors to improve working relations, specifically to enhance the participation of council members in subnational government activities and to improve provincial planning processes.

## C. Regional developments

22. A number of positive steps are being taken by the Government of Afghanistan to foster trust and cooperation between Afghanistan and its neighbours in a variety of sectors where lasting solutions will depend on a regional approach. To that end, President Karzai held high-level talks in the Islamic Republic of Iran in May, signing seven agreements strengthening economic, cultural and judicial cooperation between the two countries. Both countries particularly stressed the need for further cooperation in ensuring the voluntary return of Afghan refugees from the Islamic Republic of Iran and have agreed to continue joint actions with the participation of the Office of the United Nations High Commissioner for Refugees (UNHCR). President Karzai also paid a visit to China in June, where both countries agreed to launch a number of initiatives to combat terrorism and extremism as well as organized crime, illegal migration and trafficking of drugs and weapons. Agreements were also signed to encourage cooperation in infrastructure and energy. President Karzai also represented Afghanistan in high-level regional summits in Shanghai and in Tajikistan, which took place in 2006 in June and July respectively.

23. The Foreign Minister, Rangin Spanta, has also held high-level talks in New Delhi, Islamabad and Washington, D.C. Discussions in Islamabad on security issues resulted in agreement to intensify cooperation on improving security and bilateral relations. With proposed quarterly meetings of the foreign ministers of Afghanistan and Pakistan and closer cooperation of the security services of the two countries, prospects of success in addressing the cross-border insurgency may improve.

24. Since my last report, and with a view to supporting regional dialogue to combat terrorism, extremism and drugs and to fostering cooperation on refugee issues, my Special Representative has travelled to Tehran and Islamabad to hold talks on Afghanistan and on regional issues.

# IV. Security institutions

## A. Disarmament, demobilization and reintegration, and disbandment of illegal armed groups

25. The final reintegration portion of the disarmament, demobilization and reintegration process in Afghanistan was completed on 30 June. Over 63,000 former combatants were disarmed, some 62,000 were demobilized and almost 56,000 of them took advantage of one of the reintegration packages on offer to them.

26. The main phase of the disbandment of illegal armed groups (DIAG) programme was launched in five provinces — Kapisa, Hirat, Farah, Takhar and Laghman — between 1 May and 7 June 2006. In spite of widespread popular support for the programme and the commitment shown by some concerned ministries and officials of the central Government, compliance to date has been disappointing, with few commanders willing to take part in the programme.

27. Although the programme aims not merely to disarm, but also to disband armed groups, the number of weapons relinquished by illegal armed groups and government officials linked to illegal armed groups serves as an indicator of the overall rate of compliance. A total of 137 commanders and 42 government officials linked to armed groups were issued notification letters since the formal launch of the programme; of those, 41 commanders and 16 officials have surrendered a total of 616 weapons — a figure far short of the 23,200 estimated by the Joint Secretariat of the Disarmament and Reintegration Commission. The quality of weapons submitted, moreover, has been disappointing; just under half of those handed over in Kapisa, for example, were assessed as serviceable.

28. By far the largest impediment to the implementation of the disbandment of illegal armed groups programme has been mounting alarm over the insurgency in the southern provinces. Across the north and central highlands, community leaders who are otherwise strongly supportive of the programme have raised concerns about a possible Taliban push beyond the south, south-east and east and the capacity of the Afghan national security forces to protect them. Many commanders have exploited those fears to avoid dismantling their armed groups. At the same time, increasing rumours about authorized pro-Government militias in some areas have fuelled perceptions of a double standard in programme implementation.

29. The process of removing officials with links to armed groups continues to face political obstacles. To date, 32 officials, other than those covered in the main phase operations, have been notified in writing; of those, the Joint Secretariat (the body overseeing the disbandment of illegal armed groups programme) thus far considers 3 to be compliant and 6 to be partially compliant, and it has recommended 18 for dismissal. One targeted official has died from unrelated causes. The Ministry of Interior, in line with the Joint Secretariat's recommendations, confirmed the dismissal of 13 of its employees from their posts; a subsequent inquiry found, however, that several of the dismissed officials continued to occupy their posts in violation of the Ministry's orders.

30. A conference on disarmament, demobilization and reintegration and the disbandment of illegal armed groups programme took place in Tokyo in July, where President Karzai stated that he would use all means available to ensure that the disbandment process is carried out successfully. Donors, led by Japan, responded

with pledges totalling 90 million United States dollars ($), much of which will be allocated to disbandment development projects.

## B. Afghan security forces

### Afghan National Police

31. The Afghan National Police force continues to make modest strides in its overall development as a dependable public security provider. The final objective of the police reform process is to have a fully trained, professional and ethnically balanced force of 62,000 by 2010. The latest figures available from the Ministry of the Interior indicate that the Afghan National Police force consists of 65,497 police officers and patrolmen. If accurate, that number would constitute a major increase (over 10,000) in the size of the force since the last reporting period. However, a forthcoming audit is expected to reveal that there are far fewer operational police officers and patrolmen in post than currently on the books.

32. The restructuring of the leadership of the Afghan National Police continued during the reporting period. The selection process for the second tier positions in the force culminated on 4 June, when President Karzai signed a decree appointing 86 one-star police generals selected from a list of 275 officers. The announcement marked the end of months of systematic vetting conducted by senior Afghan police officers with support from the United States of America, Germany and the United Nations Assistance Mission in Afghanistan. On the whole, the second tier restructuring has been a positive step and has resulted in the appointment of a more professional core group of police officers to critical positions. There have been, however, some deficiencies. Fourteen officers who had failed in the selection process were added to the final list at the last minute and were appointed to key positions within the Afghan National Police force. They include a small number of well-known human rights offenders and officers with links to criminal and illegal armed groups. Following concern expressed from within the Government and démarches by several members of the international community, the Ministry of the Interior agreed that the 14 officers would be appointed for a probationary period of only four months, after which their performance would be reviewed.

33. In the face of growing insecurity in the south, President Karzai signed a rebalancing decree in June deploying 2,100 more troops to the south of the country and redeploying highway police to the Border Police in unstable areas, particularly the south. On 16 August, President Karzai also confirmed that locally recruited temporary auxiliary police would be established to strengthen Afghanistan's permanent police force. The decision to recruit auxiliary police units reflects a clear short-term gap in the capacity of the Government to provide security in insurgency-affected areas. The auxiliary police will be integrated into a unified chain of command and control within the Ministry of Interior and will receive a uniform salary and benefit package throughout the country. However, their deployment should be monitored closely in the light of concerns over the resurgence of militias outside the Government's control.

34. The challenges facing the Afghan National Police remain daunting: command and control arrangements are weak; administrative and logistical support capacity lags behind operational capability; lack of discipline is common; corruption remains rampant; and disregard for human rights and due process are also major concerns.

As a result, the level of public trust in the police remains very low. The Government continues to struggle to provide adequate equipment and logistical support to the Afghan National Police.

35. The Law and Order Trust Fund for Afghanistan, which is administered by the United Nations Development Programme (UNDP), continues to provide remuneration and other support to the Afghan National Police. The Fund's budget was increased to $169 million for the current year but a $27 million shortfall for the police salary component remains. The shortfall has adverse implications for the implementation of the new Afghan National Police salary regime, for the provision of food allowances for officers and for severance packages.

**Afghan National Army**

36. The Government and donors continue to work towards the goal of a well-trained, ethnically balanced Afghan National Army force of 70,000 by the year 2010. The current strength of the Army stands at around 34,700 personnel deployed at headquarters and in five regional commands. This marks a collective increase of some 3,900 officers and enlisted men and other support personnel over the reporting period.

37. The Afghan National Army has been particularly successful in building its image as a symbol of Afghan unity, and in recent months its effectiveness has improved significantly, but it still faces a number of key challenges, including recruitment and retention of staff and timely and secure payment of salaries. It must also attend to the poor supply of equipment, weapons, food and accommodation for troops. The Army has been obliged to be on the front lines of an insurgency which did not feature in the operational plans drawn up after the fall of the Taliban regime. As a result, the Army appears sometimes ill-prepared to take on that role, and its operational capabilities are being substantially tested. The contrast between the firepower and protection of international military forces and that of the Afghan National Army is most evident when they are operating in close proximity. Nevertheless, notwithstanding heavy losses, the Army, the Police and the international military forces continue to show dedication and courage. The challenge for the Army and for the international community will be to develop the support systems and deploy the resources needed to retain and build the current core of the Army.

## C. International Security Assistance Force

38. On 31 July the International Security Assistance Force (ISAF), led by NATO, took over the Regional Command South from the coalition forces, led by the United States, thus completing the third stage of its nationwide expansion. This marks a major step forward for ISAF and for NATO as the Force moves one step closer to having responsibility for all international military operations in Afghanistan, with the exception of specific counter-terrorist operations. There are currently about 18,500 troops within ISAF and 18,000 troops operating as part of the coalition forces. The total international troop presence is expected to remain unchanged. Once the transition to ISAF command countrywide is complete, it is expected there will be about 26,000 troops within ISAF and some 10,500 United States troops engaged in counter-terrorism operations.

39. Efforts are ongoing to realign activities of provincial reconstruction teams with the overall development goals of the Government of Afghanistan. On 16 August, the President endorsed the ISAF concept of Afghan development zones in the south. The zones correspond to strategically important geographic locations where improvements in security and governance will create conditions conducive to more effective, noticeable development. The initial refocused efforts are centred on Kandahar, Lashkar Gah, Spin Buldak, Tirin Kot and Qalat. International Security Assistance Force provincial reconstruction teams currently exist in all of the proposed Afghan development zones with the exception of Spin Buldak.

40. During the reporting period, ISAF participated in the Tripartite Commission for the first time as a full member. The Commission brings together Afghan, Pakistani and international military forces and works to build confidence and improved relationships between the armed forces. Traditionally focused on border security, the Commission has broadened its agenda in recent months. The Commission, which was previously chaired by the United States-led coalition forces, will now be chaired by ISAF.

# V. Human rights and rule of law

## A. Human rights and gender

### Human rights

41. The human rights implications of the deteriorating security situation are grave and civilians have at times become indirect victims of attacks by insurgents and military forces. In the spring and summer of this year, major military and combat operations between insurgent groups and the military in the south have internally displaced at least 450 families in Uruzgan and Kandahar provinces.

42. The right to education has been compromised owing to a marked increase in the number of attacks on schools since late 2005. The majority of attacks have taken place in the southern and south-eastern regions, where they are mainly attributed to insurgents or in some cases to criminal elements. From January to July a total of 202 violent incidents against schools, teachers or pupils have been recorded as compared with 99 during the previous year, partly or completely denying education to at least 105,000 Afghan children in the south. The Ministry of Education, the United Nations Children's Fund (UNICEF) and other partners have set up a special national task force to strengthen the protection of students, teachers, school officials and schools themselves and facilitate a rapid response when incidents arise.

43. A report on economic and social rights was released in May by the Afghan Independent Human Rights Commission. The report, supported by UNHCR and based on approximately 8,000 interviews in 29 provinces, found that half of the respondents did not have access to safe drinking water; the lack of adequate housing was widespread and was compounded by insecurity of tenure and impunity for violators; and accessibility to and quality of clinics and hospitals remained insufficient for 40 per cent of the respondents. The report concluded that, at the time of the research (prior to the recent spike in violence), a lack of basic economic and social rights were the primary cause of ongoing displacement and the main obstacle to durable integration of internally displaced persons and returnees.

44. On 19 March four television journalists were detained overnight by the National Directorate for Security for conducting an interview with a Taliban leader in Helmand. During a demonstration in the Paghman area of Kabul province on 29 July, journalists were also attacked by armed men, reportedly close to senior governmental officials from the area.

45. The case of Abdul Rahman, who risked being sentenced to death for having converted from Islam to Christianity, attracted world attention in March. There have since been three similar cases in which Afghan citizens were accused of apostasy by local religious leaders and were forced to leave the country. Those cases highlight the obstacles to the enjoyment of freedom of conscience and religion that exist in Afghanistan and the necessity of the Government to take proactive measures to protect those rights. In that regard, the proposal to reinstate the Department for the Promotion of Virtue and Prevention of Vice within the Ministry of Hajj and Religious Affairs is a development that will need to be closely monitored.

46. The Afghan Independent Human Rights Commission continues to function effectively, in close cooperation with UNAMA, although Government support for the Commission should be reinforced. The terms of office for the current members of the Commission expired in June 2004 and the President has yet to formally appoint nine Commissioners for a five-year term. Seven members of the original group of Commissioners continue to act in this capacity. For the first time since its establishment four years ago, the Commission has restricted its activities, particularly in the south and south-east, owing to security concerns.

47. Several steps were taken since my last report to transfer Afghan detainees currently at Guantanamo Bay military base and Bagram Air Base from United States military custody to Afghan authorities. A maximum security detention facility at Pol-e-Charkhi prison is being completed; prison personnel from the Ministry of Defence are being trained and a delegation from the Afghan Government visited Guantanamo Bay in June. The Government will now have to develop the modalities for the handover of the prisoners and the matter will most likely be referred to the National Assembly for approval.

**Gender**

48. The deteriorating security situation in parts of the country has further restricted Government efforts to ensure Afghan women and girls' full enjoyment of their rights. For example, the Women's Provincial Departments of the Ministry of Women's Affairs have ceased or curtailed operations in Kandahar, Uruzgan and Hilmand. Continuing attacks against educational institutions are having a disproportionate impact on girls, as they have lower initial rates of enrolment and literacy than boys.

49. Although the Wolesi Jirga confirmed the appointment of a new Minister for Women's Affairs on 7 August, the extended period of ambiguity in the Ministry's leadership hampered its efforts to support Government policy development. Despite this challenge, staff of the Ministry are actively involved in supporting the Afghanistan National Development Strategy process.

50. Women's participation in State institutions remains low. Civil society groups and some members of the international community have urged the President to appoint more women to the Cabinet, the Supreme Court and the Civil Service.

## B. Rule of law

51. Although some progress in the reform efforts is being made, Afghanistan's justice system continues to suffer from severe and systemic problems. With the support of the United Nations and donor nations (led by Italy and the United States), judges and prosecutors are being trained, more defendants are receiving legal representation, courthouses and prisons are being built or refurbished and the capacity of the permanent justice institutions has been enhanced. Key legislation has already been put into place and, with United Nations and donor support, a new criminal procedure code, an anti-terrorism law, a new law on the organization of the prosecutor's office and a law establishing an independent bar association for Afghanistan are in the process of being drafted.

52. In support of the strategic coordination of the Afghanistan Compact (S/2006/90, annex) and the Afghanistan National Development Strategy (ANDS), the justice and human rights working group was established in June 2006, chaired by the Ministry of Justice, with UNAMA and Italy as the international co-focal points. The working group is responsible for gathering data, undertaking analysis, developing strategies, policies and programmes linked to the achievement of the Afghanistan Compact and the benchmarks of the Afghanistan National Development Strategy, and assisting in the coordination, monitoring and evaluation of the implementation process.

53. The quality of the Supreme Court has been regarded as a touchstone for the Government's commitment to justice reform in Afghanistan. The new composition of the Supreme Court reflects a fairly even ethnic balance. However, no female judges were nominated.

54. Considerable challenges continue to face the judiciary. They include low levels of education and competency, inadequate salaries, insecurity of judges in terms of career progression, tenure and personal safety. The findings of the Supreme Court's report on judicial education issued in May 2006 highlighted the fact that only about a third of the 1,415 judges currently working in Afghanistan have higher education qualifications and that there remains a system-wide lack of fundamental judicial competencies. Approximately 170 new judges are currently finishing their training under the auspices of the Supreme Court. Once the graduates take up their posts, the Supreme Court estimates that a further 300 posts, out of a total of 1,884 approved positions, will need to be filled.

55. The failure to ensure a secure environment for courts and judicial personnel undermines recent reform efforts, as well as the overall capacity of the legal system to act impartially and independently. In May 2006, the deputy civil court judge of Farah province was shot dead. In June, suspected Taliban-linked militants abducted and killed a local judge in Ghazni province.

56. The situation regarding prisons in Afghanistan remains serious. However, with the support of the international community, significant reforms are being carried out. A number of major prison projects are currently being carried out including two new prison facilities in Gardez and Mazar-e-Sharif, and a women's facility and a juvenile reformatory in Kabul. As part of the Government's anti-narcotics strategy the construction of a high security unit at Pol-e-Charkhi prison for high-profile drug offenders is nearing completion.

57. A new national training programme for all prison staff has been developed and implemented as of June 2006. Training of staff selected to work in the high security drug facility is now complete, with 140 trained staff. On 29 July 2006 the first of seven training sessions to promote and implement the new law on prisons and detention centres at the provincial level began in Kabul.

# VI. Economic and social development

## A. Humanitarian situation

58. Afghanistan is facing a severe drought affecting up to 2.5 million people. The total shortfall for the present harvest is estimated at 1.2 million metric tons of cereals. To address the crisis, a joint Government-United Nations drought appeal for $76 million was launched on 25 July. The appeal covers the period from July to December 2006, with a few components extending beyond this time frame. The Government's Emergency Response Commission is leading the drought response process, with support from designated ministries, the Food and Agriculture Organization of the United Nations, UNAMA, UNICEF and the World Food Programme. At present, slightly less than half of the appeal has been funded by donors, the United Nations and from the Government's own resources.

59. Insecurity has taken a serious toll on the capacity of the United Nations and aid organizations to deliver their humanitarian programmes in insurgency-affected areas. The majority of districts in the south are chronically or temporarily inaccessible for United Nations movements. During the reporting period, UNICEF and the World Health Organization have faced serious obstacles in conducting polio immunization campaigns in the south. To date, 25 of the 26 reported polio cases were detected in the south. Despite worsening security conditions and a reduced presence, United Nations agencies and UNAMA continued to be present in the south, south-east and east, and agencies are exploring new ways of delivering their services to populations in those insecure regions.

60. Despite the prevailing situation, Afghan refugees continue to return. The total number of returnees this year is over 122,000, mostly from Pakistan. The Office of the United Nations High Commissioner for Refugees is preparing to assist a total of 220,000 returnees this year. Early in 2006, the Pakistani Government announced it would close four refugee camps in the North-west Frontier Province and in Balochistan. The 250,000 residents were offered the option of returning to Afghanistan or relocating to other camps in Pakistan. The 31 July deadline for closures passed with little or no movement and, it is not clear if the Government of Pakistan will take more direct action to close the camps.

## B. Economy and government revenue

61. Initial projections by the International Monetary Fund put Afghanistan's rate of growth at 12 per cent for 2006. However, the projections were scaled back to 10 per cent during the reporting period owing to the drought and its impact on the country's agriculture. The wheat sector, in particular, experienced a 25 per cent drop in production. At the same time, inflation has fallen faster than expected and is currently estimated at 7 per cent, down from 9.5 per cent in March 2006. Revenue

collection in 2005/06 reached 5.5 per cent of gross domestic product against a target of 5 per cent, largely on account of higher customs receipts. However, current trends indicate that this fiscal year's collection will not exceed the target. The share of operating expenditures financed by domestic revenues rose from 47 per cent in 1382 (2003/04)[1] to 59 per cent in 1384 (2005/06), and is budgeted at 63 per cent in 1385 (2006/07), but this is still insufficient to reach fiscal sustainability rapidly.

### C. Development strategy

62. During the reporting period, new mechanisms to elaborate, coordinate and implement Afghanistan's long-term development strategy were formulated. While the Afghanistan Compact describes the shared political commitment of Afghans and the international community, the interim Afghanistan National Development Strategy (I-ANDS) sets out the strategic priorities and plans for achieving the Government's development vision. The structure of the interim Strategy mirrors the three pillars of the Compact: (a) security; (b) governance, rule of law and human rights; and (c) economic and social development. The Strategy subdivides the three pillars into eight sectors. In May, eight restructured consultative groups were launched to coordinate strategic guidance on development priorities in each sector. Concerned line ministries and interested donors participate in the groups. Each group is co-chaired by the Minister of Finance and a relevant member of the Government's Oversight Committee, the body of ministers responsible for the implementation of the interim Strategy and preparation of the full Afghanistan National Development Strategy (projected for 2008). In addition, the oversight committee has now been given responsibility for reporting to the Joint Coordination and Monitoring Board (see below) on progress towards the Afghanistan Compact benchmarks. The consultative groups support the Oversight Committee in that endeavour.

63. During the reporting period, 22 technical working groups were set up under the consultative groups to develop detailed strategies, annual action plans and projects for each line ministry. In June and July, the technical working group met to develop specific indicators and targets for each of the Afghanistan Compact benchmarks. They also prepared draft strategies and an action plan for Compact and interim Strategy implementation for the coming year. The consultative groups are scheduled to review the draft strategies in September and October. The Mission and other United Nations agencies provide secretariat services, coordination and logistical support to the Oversight Committee, the consultative groups and their subsidiary bodies.

## VII. Counter-narcotics

64. At a joint press conference on 3 September 2006, the United Nations Office on Drugs and Crime and the Ministry of Counter-Narcotics presented the findings of the Office's opium survey. Poppy cultivation increased 59 per cent this year, from 104,000 to 165,000 hectares. Opium production increased from 4,100 to 6,100 tons. Afghanistan now accounts for 92 per cent of the total world supply of opium and its

[1] The Afghan calendar begins on 21 March of the year in progress and ends on 20 March of the following year.

derivative, heroin. This comes after the first significant decrease was achieved in 2005. The increase occurred mainly in the southern provinces, primarily Helmand, where cultivation soared 162 per cent to 69,324 hectares. Six provinces, mainly in the central region, remain poppy-free. Eight provinces, mainly in the north, had a decrease, with the notable exception of Badakshan province.

65. The increase in the number of provinces where the opium poppy is cultivated is also of concern. While in the late 1990s about 15 to 20 provinces cultivated the poppy, a steady expansion has occurred since 2002, and it is now cultivated in 25 to 30 of Afghanistan's 34 provinces. Assessments suggest that the farmers' decision to grow the poppy is made only for economic reasons but is also driven by pressure from traffickers, local criminal groups and corrupt officials who stand to benefit the most. Estimates indicate that 80 per cent of the opium profit in 2005 (roughly $2.14 billion) was made by traffickers.

66. The sizeable harvest in 2006 comes in spite of increased eradication programmes, which were carried out relatively peacefully, except for a few incidents in Helmand and Badakshan provinces.

67. Progress has been made in strengthening the law enforcement side of the counter-narcotics effort. The Afghan National Police force and its specially trained counter-narcotics unit seized over 66 tons of narcotics (including opium, heroin and cannabis) and 13,000 litres of precursor chemicals used in the refinement of drugs during the first six months of 2006. The Counter Narcotics Tribunal and the Counter Narcotics Criminal Justice Task Force, established in 2005, have now become fully operational. Several hundred cases have so far been processed in Kabul, in accordance with the regulations of the Counter Narcotics law. Worryingly, domestic drug abuse appears to be rising, with an estimated 920,000 drug users in Afghanistan.

68. The Counter Narcotics Trust Fund, a Government-executed fund with a current resource level of over $70 million, became operational in early 2006. Some projects with a total funding of over $10 million (including those promoting alternative livelihoods and reducing drug demand) have so far been approved.

## VIII. Joint Coordination and Monitoring Board

69. As called for in the Afghanistan Compact, the Joint Coordination and Monitoring Board was established during the reporting period. The Board is charged with providing high-level coordination and political guidance for the implementation of the Compact benchmarks. The Board is co-chaired by Ishaq Nadiri, Senior Economic Adviser to President Karzai, and the Special Representative of the Secretary-General. Its formation followed extensive consultations on membership in which the international community expressed strong interest in representation. Agreement was eventually reached that the Board would be comprised of 28 members (7 Afghans and 21 internationals). In addition to the Co-chair, the Government of Afghanistan is represented by the members of the Afghanistan National Development Strategy Oversight Committee. Aside from the Special Representative, international members include the following: the six largest contributors of development assistance to Afghanistan (the United States, the United Kingdom of Great Britain and Northern Ireland, Japan, Germany, the European Union and India); three neighbouring countries (Pakistan, the Islamic Republic of

Iran and China); countries in three regions (Saudi Arabia, Turkey and the Russian Federation); the international military supporters (NATO, coalition forces, Canada, the Netherlands, Italy and France); and two international financial institutions (World Bank and Asian Development Bank).

70. At its inaugural session on 30 April, the Board approved terms of reference and reviewed monitoring matrices, which will be used to measure the implementation of Afghanistan Compact benchmarks. It was agreed that the forum would meet on a quarterly basis. At its second session on 30 July, the Board considered the action plan for power sector reform, which aims to overcome energy shortages and define a midterm energy sector strategy. The Board also reviewed progress towards the elements of eleven benchmarks, which are to be completed in the first year of the Compact. In seven areas, efforts by the Government of Afghanistan and its international partners were assessed to be on track. Those areas include elements of the benchmarks related to anti-corruption; the National Assembly; the rule of law; land registration; water resources management; skills development; and financial services and markets. In four areas, some delays had been encountered, drawing Compact deadlines into question. These include elements of the benchmarks related to the senior appointment mechanisms; the review of administrative boundaries; mining and natural resources; and private sector development and trade.

71. There is a shared view that a distinction should be drawn between procedural and substantive achievements when assessing implementation of the Compact. In its early days, the Board's monitoring process focused on procedural elements of the benchmarks. For example, under the corruption benchmark, one of the main indicators is Afghanistan's ratification of international treaties on corruption. While the ratification process is assessed to be on track, little progress has been made in the fight against the prevalence of public sector corruption. Similar procedural elements of other benchmarks are largely assessed to be on track. By contrast, only modest progress has been made to date in realizing more substantive benchmarks. However, the Board is helping to coordinate efforts and build consensus, not least that achieving substantive progress towards the Compact benchmarks will require long-term, coordinated political commitment and action on the part of all parties involved.

## IX. Mission operations and support

72. The United Nations Assistance Mission in Afghanistan has been able to continue to implement its mandate, despite heightened security concerns. Pursuant to Security Council resolution 1662 (2006), two new UNAMA provincial sub-offices were opened in Zabul and Kunar provinces. Following a review of the experience in the two provinces, the Mission will consider expanding to up to seven additional locations across the country. The cautious expansion of the Mission to underserved parts of the country is sending a strong message to Afghans that the United Nations will continue to help the Government improve delivery of services to Afghans, even in parts of the country that are affected by the insurgency.

73. As the Mission expands, there is an increasing need for UNAMA military liaison officers to be present in the sub-offices to significantly strengthen the presence and influence of UNAMA through liaison at the local level with the

international military forces and the Afghan National Army and through the provision of advice and support to the field offices. I therefore propose that the Military Advisory Unit be enlarged by an additional 6 officers (at the Lieutenant Colonel level) bringing the total to 18 officers, consisting of one military adviser and 17 military liaison officers. The additional 5 military liaison officers will serve in the newly opened sub-offices and the sixth officer would serve in the UNAMA joint mission analysis cell. The Unit will also continue in its routine role of supporting the growth of governance, promoting programmes such as the disbandment of illegal armed groups programme and providing analysis of the provincial military security situation.

74. The overall deterioration of the security situation has heightened the risks to the United Nations of becoming a target of opportunity. Programme activity, particularly in the south, south-east and east, has been reduced accordingly and measures to mitigate threat have been put in place. Of the 16,000 road missions fielded by the United Nations during the reporting period, only two clearly identifiable United Nations convoys came under attack.

## X. Observations

75. Since my last report to the Security Council on Afghanistan, the country has made some impressive strides for which its Government and people are to be congratulated. The new National Assembly has demonstrated independent, reformist and democratic credentials. Provincial councils are now functioning in all 34 of Afghanistan's provinces. The Joint Coordination and Monitoring Board has been established, bringing together senior Afghan officials and their international counterparts to oversee the implementation of the Afghanistan Compact.

76. At the same time, Afghanistan finds itself in the midst of a new crisis. A third of the country is racked by violent insurgency. The situation in the south, south-east and east is unlikely to improve in the near future and the prospect of further deterioration cannot be excluded. While the rest of the country remains relatively secure, Afghans everywhere understand that the insurgency poses a grave threat to the political transition nationwide. If not addressed urgently and comprehensively, the insurgency could jeopardize the considerable achievements of the Bonn process and plunge parts of the country into chaos and uncertainty, with considerable spillover effects across Afghanistan. Although events on the ground have tempered the optimism that surrounded the London Conference earlier this year, they must not lessen our resolve. The Government of Afghanistan, its regional partners and the rest of the international community must stand ready to redouble our collective efforts — including political and financial commitments — to stabilize Afghanistan and support its transition in the face of growing challenges.

77. In the light of the above, the expansion of the International Security Assistance Force to the south of Afghanistan is a particularly welcome and timely development. I recognize the contributions and sacrifices being made by all Member States currently taking part in the Force, and I strongly encourage all nations to continue to support the Force as it expands its command to the rest of the country.

78. Elements of a strategy to tackle the insurgency are emerging from discussions led by the Government and members of the international community involved in the areas of the country affected by the surge in violence. The leadership centres of the

insurgency described in the present report must be dealt with through robust military and law enforcement measures wherever they are found in Afghanistan or elsewhere. The nature and scope of dialogue among all actors involved must be enhanced with a particular view to disengaging the bulk of combatants from the leaders of the insurgency. Communities need to be further engaged and empowered to play a greater role in bringing stability to their areas. At the same time, the capacity of the Government to deliver security and other basic services and bring development must be reinforced, not least to address growing frustration at the slow pace of change in the lives of ordinary Afghans.

79. In that regard, the international community and the Government must intensify their efforts to improve and accelerate reform of the Afghan police. The international community should, wherever possible, provide intensified advising, mentoring and training through the provision of additional qualified police personnel deployed with the Afghan National Police in the field and within the frameworks of existing training regimes. The Government and the international community must study current administrative, budgetary and logistical systems in place and take immediate steps to ensure that the men and women of the Afghan National Police receive their salaries and other support in full and in a timely fashion to stem defections and maintain morale and dedication in the rank and file.

80. President Hamid Karzai is to be commended for his handling of the cabinet confirmation process and for the appointment and confirmation of a highly qualified Supreme Court. The prospect of stronger judicial institutions — one of the principal demands expressed by Afghans — has been revived by the arrival of the new judicial leadership. This moment of opportunity should not be lost, and I urge the national and international bodies working on justice reform to redouble their efforts to extend the rule of law in Afghanistan.

81. The programme to disband illegal armed groups addresses one of the clearest and most consistently expressed demands of the Afghan people, but compliance to date has been disappointing. The Government and the international community must continue to make the disbandment of illegal armed groups programme a priority as it is a prerequisite for meeting other core objectives under the Afghanistan Compact, particularly with respect to security, governance and the rule of law.

82. Corruption and the narcotics industry continue to threaten Afghanistan's transition and must be dealt with as matters of priority by the Government and the international community. I am increasingly concerned that administrative corruption continues to hamper efforts to improve governance and government service delivery at all levels in Afghanistan. Similarly, the growth of the drug trade, which fuels both insurgency and corruption, calls for new strategic direction in current policy. This will need to include more decisive action against traffickers and those who protect them, as well as a more integrated rural development strategy.

83. Further attention is required by all to ensure that international principles are upheld in relation to the protection of civilians in armed conflict during this period of increased insecurity and combat. The Taliban and other anti-Government forces continue to demonstrate an inexcusable disregard for the value of human life. Efforts to combat the insurgency should seek to minimize the potential for civilian casualties. Afghan security forces and their international partners must also be wary of invoking the security situation as a justification to suppress human rights guaranteed by the Constitution and under international treaties to which Afghanistan

is party. I remain equally concerned about the human rights situation in areas not directly affected by the current wave of violence. We must not allow the protection of human rights throughout Afghanistan to become another casualty of the current conflict. In that respect, the implementation of the National Action Plan on Peace, Reconciliation and Justice adopted in December 2005 has yet to gain momentum.

84. The challenges facing the country are daunting but the international community as well as local communities must continue to work hand in hand with the Government towards the long-term vision expressed in the Afghanistan Compact. Productive partnership between the Government and international donors resulted in a single development process in the form of the Joint Coordination and Monitoring Board and the interim Afghanistan National Development Strategy framework. This aims to deliver results as much as it aims to build sustainable Afghan institutions. This dual imperative should be enhanced through improved coordination, cooperation and implementation.

85. The ability of the Board to engender high-level collaboration will depend on its ability to move from process and planning to action and oversight. It has yet to become the active custodian of the Compact envisioned during the London Conference that will hold the Afghan Government and its international partners to account. Afghan and international members of the Board will need to work more closely in a spirit of partnership and effectiveness to ensure that the ambitious agenda is achieved to the greatest benefit of the Afghan people.

86. In conclusion, I would like to convey my sincere appreciation to the Security Council and other Member States for their continued support to Afghanistan. I would like to pay tribute to the dedicated efforts of my Special Representative, and to the women and men of the United Nations Assistance Mission in Afghanistan and their partner organizations who continue to carry out their mission under difficult and increasingly dangerous circumstances. I salute their courage, dedication and commitment.

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**Sixty-first session**
Item 30 of the provisional agenda*
**Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

# The occupied Syrian Golan

## Report of the Secretary-General**

1. The present report is submitted in pursuance of General Assembly resolution 60/108 of 8 December 2005, the operative part of which reads as follows:

> "*The General Assembly*,
>
> "...
>
> "1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, rescind forthwith its decision;
>
> "2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;
>
> "3. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

* A/61/150.

** The present document was submitted late so as to include the maximum number of replies from Governments.

06-51816 (E) 280906

"4. *Calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and from its repressive measures against the population of the occupied Syrian Golan;

"5. *Deplores* the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

"6. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

"7. *Requests* the Secretary-General to report to the General Assembly at its sixty-first session on the implementation of the present resolution."

2. On 29 June 2006, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that the Government inform him of any steps it had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

4. By a note verbale dated 29 June 2006, the Secretary-General also drew the attention of Member States to paragraph 6 of General Assembly resolution 60/108.

5. No reply had been received at the time of the preparation of the present report.

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**Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

# Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

## Report of the Secretary-General**

1. The present report is submitted in pursuance of General Assembly resolution 60/106 of 8 December 2005, the operative part of which reads as follows:

> "*The General Assembly*,
>
> "...
>
> "*Reaffirms* that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;
>
> "2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;
>
> "3. *Welcomes* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the dismantlement of the settlements therein as a step towards the implementation of the road map;
>
> "4. *Calls upon* Israel, the occupying Power, in this regard, to comply strictly with its obligations under international law, including international

* A/61/150.
** The present document was submitted late so as to include the maximum number of replies from Governments.

06-51822 (E) 260906

humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;

"5. *Emphasizes* the need for the parties to speedily resolve all remaining issues in the Gaza Strip, including the removal of rubble;

"6. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant resolutions of the Security Council;

"7. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

"8. *Stresses* the need for full implementation of Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

"9. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, especially against Palestinian civilians and properties, particularly in the light of recent developments;

"10. *Requests* the Secretary-General to report to the General Assembly at its sixty-first session on the implementation of the present resolution."

2. On 29 June 2006, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that the Government inform him of any steps it had taken, or envisaged taking, concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

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**Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

# Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

## Report of the Secretary-General**

1. The present report is submitted in pursuance of General Assembly resolution 60/107 of 8 December 2005, the operative part of which reads as follows:

> "*The General Assembly*,
>
> "...
>
> "1. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;
>
> "2. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention, including all of its settlement activities and the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, as well as the extrajudicial executions;
>
> "3. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in extensive loss of life, vast numbers of injuries and massive destruction of homes, properties, agricultural lands and vital infrastructure;

* A/61/150.

** The present document was submitted late so as to include the maximum number of replies from Governments.

06-51809 (E) 270906

"4. *Expresses grave concern* at the use of suicide bombing attacks against Israeli civilians, resulting in extensive loss of life and injury;

"5. *Welcomes* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the dismantlement of the settlements therein as a step towards the implementation of the road map;

"6. *Calls upon* Israel, the occupying Power, in this regard to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;

"7. *Demands* that Israel, the occupying Power, cease all practices and actions which violate the human rights of the Palestinian people, and that it respect human rights law and comply with its obligations in this regard;

"8. *Demands also* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded in resolution ES-10/15 and resolution ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall;

"9. *Stresses* the need for unity and territorial integrity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world;

"10. *Stresses also* the need for the full implementation of the Sharm el-Sheikh understandings;

"11. *Requests* the Secretary-General to report to the General Assembly at its sixty-first session on the implementation of the present resolution."

2. On 29 July 2006, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the resolution, that the Government inform him of any steps it had taken, or envisaged taking, concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

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# Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

## Report of the Secretary-General**

1. The present report is submitted in pursuance of General Assembly resolution 60/104 of 8 December 2005, the operative part of which reads as follows:

> "The General Assembly,
>
> "...
>
> "1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;
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> "2. *Reiterates its demand* that Israel, the occupying Power, cooperate with the Special Committee in implementing its mandate;
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> "3. *Deplores* those policies and practices of Israel that violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the report of the Special Committee covering the reporting period;
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> "4. *Expresses grave concern* about the critical crisis situation in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000, as a result of unlawful Israeli practices and measures, and especially condemns all Israeli settlement activities and the construction of the wall, as well as the excessive and indiscriminate use of force against the civilian population, including extrajudicial executions;

* A/61/150.

** The present document was submitted late so as to include the maximum number of replies from Governments.

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"5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

"6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem;

"7. *Further requests* the Special Committee to continue to investigate the treatment of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

"8. *Requests* the Secretary-General:

(a) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its sixty-first session on the tasks entrusted to him in the present resolution;

"9. *Decides* to include in the provisional agenda of its sixty-first session the item entitled 'Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories'."

2. This year, several impediments affected the work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. As the Commission on Human Rights was replaced by the new Human Rights Council in March 2006, and pending the finalization of its own agenda, it was not possible for the Special Committee to attend the usual debate in the Commission on agenda items 5 and 8 devoted to the right of peoples to self-determination and the question of the violation of human rights in the occupied Arab Territories, including Palestine. Nevertheless, the Special Committee met in Geneva from 16 to 21 March 2006 to review its work and

make plans for its field visit to the Middle East, initially scheduled to take place in June 2006.

3. Owing to spending limitations affecting the regular budget, the Special Committee rescheduled its field visit to Egypt, Jordan and the Syrian Arab Republic to 1-15 August 2006. However, the seriously deteriorating security situation in the region since July resulting in restrictions of movement and travel both for the Committee and the witnesses compelled the Special Committee to postpone its field visit. In taking this decision reluctantly, the Committee recognized the need to carry out its visit in a comprehensive manner and in an atmosphere conducive to the submission of a full report to the General Assembly, in accordance with its mandate.

4. The Special Committee instead held consultations in Geneva from 31 July to 2 August 2006 with a view to reviewing the situation and revising plans for its field visit to the three countries by mid-November 2006.

5. During its two sessions in Geneva, the Special Committee held consultations with relevant representatives of permanent missions, United Nations agencies, intergovernmental organizations, the International Committee of the Red Cross, as well as international non-governmental organizations.

6. Pursuant to paragraph 8 (d) of resolution 60/104, the activities described below were undertaken.

**Department of Public Information**

7. The Department of Public Information disseminated information on the work of the Special Committee during the period covering August 2005 to July 2006, using various means of information dissemination at its disposal.

8. The Meetings Coverage Section of the Department at Headquarters issued 14 press releases on the Special Committee during the reporting period — seven in English and seven in French — including the Special Political and Decolonization (Fourth) Committee's consideration of the agenda item during the sixtieth session of the General Assembly.

9. The United Nations Website maintained the web page on the question of Palestine under the Global Issues page, with links to other pages, including the United Nations Information System on the Question of Palestine (UNISPAL) database.

10. The work of the Special Committee continued to be regularly featured on one of the most frequently visited parts of the United Nations website — the *UN News Centre* portal, including its Arabic language version.

11. United Nations Radio regularly covered various aspects of the Israeli-Palestinian conflict and related issues in its news bulletins and current affairs magazines in the official and non-official languages.

12. The *UN Chronicle* (in the six official languages) and the *UN Chronicle Online* (in English and French) covered the work of the Special Committee in Issue 4, 2005, under their coverage of the Fourth Committee of the General Assembly.

13. The Department, in cooperation with the Ministry for Foreign Affairs of the Russian Federation, organized the International Media Seminar on Peace in the Middle East in Moscow on 8 and 9 June 2006, at which the latest developments relating to the Middle East peace process, including the human rights situation, were discussed. The Department held an annual training programme for Palestinian media practitioners, which included briefings on human rights and coverage of the work of the General Assembly relating to the question of Palestine.

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**Sixty-first session**
Item 30 of the provisional agenda*
**Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

# Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

## Report of the Secretary-General**

1. The present report is submitted pursuant to General Assembly resolution 60/105 of 8 December 2005, the operative part of which reads as follows:

> "*The General Assembly*,
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> "...
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> "1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;
>
> "2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;
>
> "3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions, and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004, to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

* A/61/150.
** The present document was submitted late so as to include the maximum number of replies from Governments.

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"4. *Reiterates* the need for speedy implementation of the relevant recommendations contained in the resolutions adopted by the General Assembly at its tenth emergency special session, including resolution ES-10/15, with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;

"5. *Requests* the Secretary-General to report to the General Assembly at its sixty-first session on the implementation of the present resolution."

2. On 29 June 2006, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the resolution, that the Government inform him of any steps it had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

4. By a note verbale dated 29 June 2006 sent to all permanent missions regarding General Assembly resolutions 60/104, 60/105, 60/106, 60/107 and 60/108, the Secretary-General also drew the attention of all the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) to paragraph 3 of resolution 60/105 and to paragraph 6 of resolution 60/108.

5. No reply had been received at the time of preparation of the present report.

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**Implementation of the resolutions of the United Nations**

## Letter dated 7 September 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Paraguay to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to write to you to state the position of Paraguay with regard to the requests for the inclusion of two supplementary items in the agenda of the sixty-first session of the General Assembly, entitled "A proactive role for the United Nations in maintaining peace and security in East Asia" and "Question of the representation of the 23 million people of Taiwan in the United Nations", submitted by a number of States Members of the Organization and contained in documents A/61/193 and A/61/194, respectively, issued on 11 August 2005.

1. The Republic of Paraguay maintains full diplomatic, commercial and cultural ties with the Republic of China (Taiwan). It values these relations and respects the progress achieved by Taiwan in all areas, especially in the economic and commercial spheres.

2. In keeping with the principle of universality enshrined in the Charter of the United Nations, the elements constituting the existence of a State, and other essential circumstances, Paraguay believes that the international community cannot fail to consider the proposals in question, which reflect the aspirations of the 23 million people of Taiwan, as it would for any other State that met the requirements set out in the Charter. In line with this policy, Paraguay supported the admission of both the People's Republic of China and the Republic of China (Taiwan) into the World Trade Organization.

3. Paraguay believes that consideration should also be given to the proposal contained in document A/61/193, encouraging the countries of East Asia to settle disputes through peaceful means, in conformity with the principles enshrined in the Charter.

* A/61/150 and Corr.1.

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4. Paraguay believes that both matters should be resolved between the parties, through dialogue and mutual understanding, and in a spirit of reconciliation, with a view to reaching a just and equitable understanding, in keeping with the principle of universality upheld by the Charter of the United Nations. Paraguay reiterates its hope that the parties can resolve their disputes by peaceful means and in conformity with international law.

5. The Government of Paraguay wishes to confirm that the position outlined above is consistent with its foreign policy on this matter. Accordingly, it supports the requests submitted.

I should be grateful if you would have this letter circulated as a document of the sixty-first session of the General Assembly, in connection with the request for inclusion of the "Question of the representation of the 23 million people of Taiwan in the United Nations" and "A proactive role for the United Nations in maintaining peace and security in East Asia" as supplementary items in the provisional agenda.

(*Signed*) Juan A. **Buffa**
Minister
Deputy Permanent Representative
Chargé d'affaires a.i.